

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KENNETH CHARLES LASSITER and  
ALPHA DORIS D. LASSITER,

Plaintiff,

vs.

CITY OF BREMERTON, MATTHEW  
THURING, JOHN VANSANTFORD,  
ROBERT FORBES, BREMERTON POLICE  
CHIEF, KITSAP COUNTY, CLAIR A.  
BRADLEY, CHRISTIAN CASAD, JAMES T.  
MITCHELL AND DOES 1 – 10,

Defendant.

NO. C05-5320RBL

DECLARATION OF DAVID P.  
HORTON IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT

1. I am one of the attorneys for the City of Bremerton and Robert Forbes. I make this declaration from personal knowledge.

2. The City of Bremerton obtained a copy of the 911 call to Kitsap County Cencom. I provided that copy to Debra Smith for it to be transcribed. That transcription is filed herewith.

3. Attached as Exhibit A is a true and correct copy of the Washington State Patrol investigation of the incident at issue made at the request of the City of Bremerton's Police Chief.

4. Attached as Exhibit B is a true and correct copy of the Declaration of Alpha Doris Lassiter in Support of Motion to Dismiss that I obtained from the Kitsap County Superior Court file in State of Washington v. Lassiter, Kitsap County Superior Court # 05-1-00792-1.

DECLARATION OF DAVID P. HORTON 1

LAW OFFICE OF DAVID P. HORTON, INC. PS  
3212 NW Byron Street Suite 104  
Silverdale, WA 98383  
Tel (360) 692 9444  
Fax (360) 692 1257

1           5.       Also attached as Exhibit C from the same Court file is a true and correct copy of an  
2 affidavit from Fausto Poza.

3           6.       Attached as Exhibit D is a true and correct copy of the Affidavit of 911 cencom tape.

4           7.       Plaintiffs have not provided initial disclosures to the City or Mr. Forbes. No  
5 materials have been provided, except those filed with the Court in Support of their motion.

6           I declare under penalty of perjury under the law of the State of Washington that the above  
7 is true and correct to the best of my knowledge and ability.

8           DATED this 24<sup>th</sup> of April, 2006 at Silverdale, Washington.

9  
10                               /s/ David P. Horton  
11                               DAVID P. HORTON

**CERTIFICATE OF SERVICE**

I hereby certify that on April 24<sup>th</sup>, 2006, I electronically filed The Declaration of David P. Horton in Opposition to Plaintiffs' Motion for Partial Summary Judgment with the Clerk of the Court using the CM/ECF system which will send notification of such filing to David Smith, Garvey Schubert Barer, counsel for plaintiffs John E. Zehnder and, Scheer & Zehnder, LLP, counsel for defendants, Thuring and Van Santford,. Andrew Cooley, Keating, Bucklin & McCormack, Inc. P.S., Counsel for defendants Kitsap County.

DATED this 24<sup>th</sup> day of April, 2006.

LAW OFFICE OF  
DAVID P. HORTON, INC. P.S.

By: /s/ David P. Horton  
David P. Horton, WSBA# 27123  
3212 NW Byron Street, Suite 104  
Silverdale, WA 98383  
(360) 692-9444  
Facsimile: (360) 692-1257  
dhorton@davidhortonlaw.com